

REMARKS

Reconsideration of the above referenced application as amended is respectfully requested.

Amendments to Claims

Claims 39-42 and 44-48 have been cancelled without prejudice to pursuing them in a continuing application.

Claim 43 has been amended to limit the catalyst composition to one wherein the catalyst composition excludes alumina and wherein the only zeolite present in the catalyst composition is Beta zeolite. Basis for this amendment is in the specification at page 3, lines 26-36, page 9, lines 3-9 and page 17, lines 34-38. This embodiment is the composition without the optional alumina.

Claim 71 has been amended to indicate that the composition is "consisting essentially of" the recited components.

Presently Claimed Invention

The presently claimed invention is directed to the specific embodiment recited in the specification, for example at page 3, lines 26-36 with bulk ceria, Beta zeolite and without the optional alumina. This embodiment is recited as "a catalyst composition for treating a diesel engine exhaust stream containing a volatile organic fraction, which composition comprises a refractory carrier on which is disposed a coating of a catalytic material comprising a catalytically effective amount of ceria and, optionally, a catalytically effective amount of alumina, each having a BET surface area of at least about 10 m²/g, preferably a surface area of from about 25 m²/g to 200 m²/g, and a zeolite, for example, Beta zeolite or a zeolite selected from the group consisting of Y-zeolite, pentasil (e.g., ZSM-5), Mordenite, and mixtures thereof." (Spec. p.3, lines 26-36)

The claimed composition of claim 43 comprises a catalytic material comprising bulk ceria wherein the zeolite is only Beta zeolite without the necessity of alumina. Amended claim 71 is to be directed to a specific embodiment to include the "consisting essentially of" language to modify both the composition and the catalytic material. The catalytic material of the composition of amended claim 71 consists essentially of bulk ceria, the recited Beta zeolite and the recited catalytic metal. Reference is also made the specification at page 15, in the paragraph beginning at line 20.

All of the other claims have been cancelled to narrow the issues. The claims have been cancelled without prejudice to being filed in a continuing application.

The Rejection

35 USC 103(a)

Claims 39-54, 56-58 and 71 have been rejected under 35 USC 103(a) as being unpatentable over Abe, et al. (USP 5,296,198) hereinafter "Abe '198" in view of Hertl, et al. (USP 5,284,638) hereinafter "Hertl" and Wan, et al. (USP 4,714,694) hereinafter "Wan" for the reasons presented in the Office Action at pages 2-6.

Claims 55 has been rejected under 35 USC 103(a) as being unpatentable over Abe '198 in view of Hertl and Wan for the reasons presented in the Office Action at pages 2-6.

Additionally, the Examiner presents a response to applicants' arguments beginning at page 7 of the Office Action.

Remarks

Initially, reference is made to applicants' remarks presented in their Response dated October 22, 2003 and styled "SUBMISSION UNDER 37 CFR 1.114 COMPRISING A RESPONSE TO A FINAL OFFICE ACTION".

Amended claims 43 and 71 are not obvious based on Abe '198 in view of Hertl and Wan for the reasons that follow.

Abe '198 is directed to a composition which is disclosed to include a zeolite exchanged with a noble metal and a heat resistant oxide containing a noble metal. Abe '198 discloses that the composition can include ceria. Reference is made to Abe '198 at col. 5, line 61 through col. 6, line 38 and the Examples. Where ceria is used it is required to be used with a heat resistant oxide (col. 5, line 68 to col. 6, line 1 and col. 6, lines 32-48). In the Examples of Abe '198, where ceria is used it is used with alumina.

However, there is no disclosure in Abe '198 of the specific combination of a Beta zeolite with bulk ceria, and without a heat alumina as presently claimed in claim 43. Nor is there disclosed the composition consisting essentially of a catalytic material consisting essentially of the recited Beta zeolite with bulk ceria and catalytic metal as presently claimed in claim 71. Accordingly, the embodiments of claims 43 and 71 are not disclosed or suggested in Abe '198 which does not disclose Beta zeolite, and does not disclose ceria in the absence of a "heat resistant oxide" (col. 5, line 68 to col. 6, line 1).

Hertl is cited as disclosing Beta zeolite used with a heat resistant metal oxide. However, Hertl does not disclose the use of Beta zeolite in the absence of a heat resistant metal oxide. Where Hertl uses Beta zeolite he uses alumina as $\text{SiO}_2/\text{Al}_2\text{O}_3$ (See TABLE at col. 7). Therefore, the combination of Abe '198 with Hertl does not disclose or suggest the invention of amended claims 43 and 71.

While Wan discloses the use of bulk ceria, this reference does not compensate for the inadequacies of the combination of Abe '198 and Hertl.

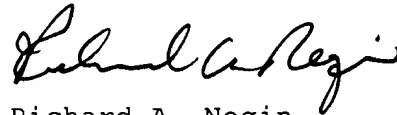
For the above reasons, withdrawal of the rejection of amended claims 43 and 71 under 35 USC 103 is respectfully requested.

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Entry of the above amendment, withdrawal of the rejections under 35 USC 103 and allowance of claims 43 and 71 are respectfully requested.

Applicants submit that their application is in condition for allowance and respectfully request the same. Should the Examiner have any further questions or require further clarification, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard A. Negin". The signature is fluid and cursive, with the first name being more prominent.

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